

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.217

CRM-M-25912-2022

Date of decision: 06.09.2022

Rohit

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Amandeep Singh Jawandha, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.354 dated 06.08.2019 registered under Sections 328, 363, 366-A and 506 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Sector 58, District Faridabad.

The petitioner is being prosecuted for having kidnapped and raped a minor girl.

Learned counsel for the petitioner contends that the petitioner, who is a 23 year old boy, has been falsely implicated in this case; the petitioner has no other criminal antecedents; the petitioner is in custody for the last 03 years and 01 month; all material witnesses for the prosecution including the prosecutrix stand examined in the petitioner's trial; the prosecutrix while appearing before the Trial Court has stated that she was made unconscious by the petitioner and thereafter, she cannot describe what was done to her by the petitioner; in the light of the afore statement by the prosecutrix the petitioner is entitled to acquittal and that since in the petitioner's trial 09 prosecution witnesses still remain to be examined, the same will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner has kidnapped and raped a minor girl.

The petitioner is a 23 year old boy; he has no other criminal criminal antecedents; he is in custody for the last 03 years and 01 month; all material witnesses for the prosecution including the prosecutrix already stand examined in the petitioner's trial; while appearing before the Trial Court the prosecutrix has stated that since she was unconscious she cannot describe what the petitioner did to her; the effect of her statement makes the case of the prosecution debatable and that since in the petitioner's trial 09 prosecution witnesses still remain to be examined, the same is likely to take a long time to conclude.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Faridabad, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

September 06, 2022
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(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No